**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF MISSOURI**
**EASTERN DIVISION**

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| JOHN SCOTT THOMAS, III, | ) | |
| | ) | |
| Petitioner, | ) | |
| | ) | |
| v. | ) | No. 4:17-cv-775-CDP |
| | ) | |
| TROY STEELE, | ) | |
| | ) | |
| Respondent. | ) | |

**MEMORANDUM AND ORDER**

This matter is before the Court upon petitioner John Scott Thomas, III's Response to

Order to Show Cause (Docket No. 6) and Motion to Appoint Counsel (Docket No. 7).

Petitioner's averments in his response are well-taken, and the Court determines that the petition

survives preliminary review. Petitioner's motion for the appointment of counsel will be denied

without prejudice.

"A pro se litigant has no statutory or constitutional right to have counsel appointed in a

civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether

to appoint counsel for a *pro se* litigant, the Court considers factors such as the complexity of the

case, the ability of the *pro se* litigant to investigate the facts, the existence of conflicting

testimony, and the ability of the *pro se* litigant to present his claims to the Court. *Id*.
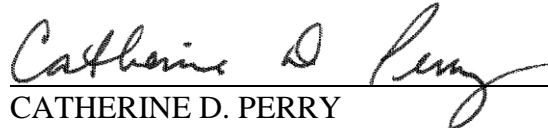
The facts of the present case appear relatively straight-forward, and appear to primarily

involve questions of law. Further, in both the petition and in the response presently before the

Court, petitioner has demonstrated himself to be well able to investigate relevant facts and

clearly and logically present his claims. Whether, and to what extent, conflicting testimony

exists with respect to the substance of petitioner's claims will be more evident upon further

proceedings. At this stage, the factors do not weigh in favor of appointment of counsel. The Court will therefore deny the motion for the appointment of counsel, without prejudice. If appropriate at a later stage of this case, petitioner may file a motion to appoint counsel that addresses the foregoing factors.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for appointment of counsel (Docket No. 7) is **DENIED** without prejudice.

Dated this 28th day of March, 2017.

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CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE